



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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June 13, 2008

Courtney Watson, Chairperson
Howard County Council
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Madam Chair:

At a public meeting on February 28, 2008 and work sessions on April 3, 2008, April 15, 2008, May 5, 2008 and May 8, 2008, the Planning Board considered the petition of Marsha S. McLaughlin, Director, Department of Planning and Zoning for amendments to the Howard County Zoning Regulations, Subdivision and Land Development Regulations and the Howard County Design Manuals (Volumes I and III) pertaining to residential infill development.

The February Public Hearing yielded considerable testimony from citizens and the development community. Citizens both praised and criticized the bill. Citizens supported changes to pipestem layouts in the East, reforestation requirements, and the expansion of scenic road buffers. The opposition's issues included reduced development potential of individual property, unnecessary extension of the infill regulations beyond the Planned Service Area, and ambiguous grandfathering of when the legislation would occur.

At its worksessions, the Board reviewed DPZ's proposal in its entirety, conducted site visits of "poster properties" of good and bad pipestems and asked for examples of cases using future property or pending development petitions. Due to time limitations and the complexity and scope of our review, not all of our questions or concerns could be fully answered and several major issues need further review.

However, we have noted our concerns below and on the attached chart which includes proposed amendments that the Planning Board believes would strengthen the bill's viability and usefulness. The attached chart includes the proposed amendments with Department of Planning and Zoning explanatory notes and the Planning Board's specific recommendations.

Below are the most important issues and/or concerns the Board wished to bring to the Council's attention for further review and consideration:

- **Mission** - The purpose of this legislation is to reduce the negative impact that "neighborhood infill" is having on citizens in the Planned Service Area. The term "neighborhood infill" is intended to be a subset of the broader term Residential Infill and requires a specific definition because the regulations that will apply to it will be more restrictive. The definition must be clearly stated and specific enough to ensure applicability and compliance but not too narrow to allow intrusive projects to skirt the regulatory intent.

This legislation is comprehensive and complex in scope and extends beyond the titled purpose of reducing the negative impact of "neighborhood" infill. DPZ's inclusion of re-forestation requirements and scenic road buffers apply to all areas of the county, not just those east of the Planned Service Area. The Council should determine whether this is what they intend.

- ***Applicability & Notification*** –The legislation was the by-product of the Infill Taskforce. However, it was clear from citizen and developer testimony that no consensus was ever reached as to what geographic area or criteria defined infill or should be subjected to these regulations. Additionally, the Board found it surprising that the findings, recommendations and/or documented efforts, other than meeting minutes, of the Taskforce were not finalized for review. References to the Taskforce focus and efforts were revealed only in the testimony of those who either served on the panel or attended the meetings. As a result, it appeared that the proposed additions and not all changes are from the Taskforce; many are generated by DPZ.

When the legislation was originally presented, the intent was that it applied to the entire county. The Board determined, based on significant testimony that inclusion of the Rural West was not part of the Taskforce's review, that this broad application was unnecessary and recommended it be targeted to east of the Planned Service Area. However, the Board noted that any stormwater management and reforestation requirements and scenic road buffers would be applied to the Rural West.

DPZ's conversion to net acreage and the change in open space requirements results in numerous parcels having their development potential reduced. While DPZ was not able to provide the precise number of parcels impacted, they did acknowledge the number was substantial.

The Board found that the scope and potential impact of the proposed legislation on property owners warranted greater notification beyond posting of the legislation on the web site and similar to the notification given to property owners for the Route 1 corridor revitalization,. The Board was very concerned that a majority of property owners were uninformed of the potential impact and as a result, did not attend the scheduled meetings or submit written comments. This concern was realized when property owners attended worksessions saying they had just learned of the proposed legislation and wanted to express their concerns. Unfortunately, the Board was not able to permit their testimony to be added to the record. However, the Board learned of DPZ's effort to encourage supporters of the proposed legislation to email testimony before the record closed. No similar effort was to encourage those concerned with the legislation.

Given the magnitude the legislation could have on a property owner, the Board recommends that a notification campaign be implemented while the matter is before the Council. Such a campaign could focus on informing the public of the legislation's existence, its potential impact and how and when they may participate. A suggestion would be to use the "plain English" summary DPZ provided to citizens who attended our Board meetings. Notification avenues may include regional meetings in effected areas, better utilization of media sources along with serious consideration of the appropriateness and necessity of mailed notification to property owners as was done for the Route 1 corridor revitalization process. Such efforts are essential in maintaining an open and fair process and ensuring valuable citizen input.

- ***Grandfathering*** – The Board heard extensive testimony on the legislation's grandfathering. As originally written, citizens were not able to determine if their already-in-process plans would be impacted or not. While the Director attempted to rule during the hearing on each individual testifier's project, the Board agreed with the citizens that the grandfathering must be specifically delineated so as not to be open to interpretation and inequitable application. The Board agreed with DPZ that any grandfathering clause should be consistent with past and present grandfathering clauses and practices.

As a result, DPZ has proffered a timeframe that includes plans already in the review process. The Board supports such a timeframe that enables plans submitted prior the legislation's filing as well

as subsequent submissions that are technically complete before the effective date of the legislation.

- **Pipestems** – Many citizens, including property owners and developers, testified as to the impact of pipestems on existing communities in the Planned Service Area, specifically the Dunloggin, St. Johns and Elkridge communities. Testimony pertaining to the Rural West’s experience was clearly different with respect to pipestems. The Board determined that the problems associated with pipestems were primarily in the East and not the Rural West. As a result, the Board recommends that the West’s pipestem requirements remain unchanged. In addition, the Board believes that utilization of the pipestems regulations for larger, new projects did not pose or create the same problems associated with pipestems developed on a single lot or two. Accordingly, DPZ agreed and amended the legislation to exclude the more restrictive pipestem regulations in the West and to clarify that pipestems would be limited to 2 for a “neighborhood infill” project (Note: Still requires precise definition) and limited to 4 for a “residential infill” project which is located east of the Planned Service Area.

Additional clarification, however, is needed to determine if or how the existing regulations (amended in 2003) were permitting “bad” pipestems that would now be averted by these regulations. The Board recommended to DPZ that various properties be reviewed to determine if they would still be developed.

Included in DPZ’s pipestem regulations is the requirement that county roads must be used instead of use-in-common driveways, Section 16.120. (b) 6(I) (E). Use-in-common driveways have been used in the past by developers to avoid the cost of extending the County road. DPZ is concerned with maintenance and ownership issues that have arisen as a result of use-in-common driveways. The Board raised, and the Council may wish to consider and determine, what the projected cost (maintenance, snow removal, etc.) of this new policy would be to the county over time. Due to the limited time, an estimate of these projected costs was not provided to the Board and we were therefore unable to assess the policy’s financial impact. Additionally, the Council may wish to also identify and determine the magnitude of the problem that this change is designed to resolve and whether it justifies the cost.

- ✓ The Board visited sites DPZ rated as examples of “good” and “bad” pipestems. As a result, the Board supports DPZ’s proposed changes in the layout requirements of pipestem lots for “neighborhood infill” and “residential infill”. The Board supports the following proposals:

- The house orientation from side to side or side to rear, not front to rear in relation to adjoining lots.
- Increase the width of the use-in-common driveways to a width that will allow large trucks or vehicles, like emergency vehicles, moving vans, and/or trash removal trucks, to access the lot without restricting other homeowner use.
- Ensure that driveways needing a bend to access the lots should have a turning radius large enough to permit large trucks or vehicles, like emergency vehicles, moving vans, and/or trash removal trucks, to have sufficient access without disturbing landscaping, causing property damage or impeding access to other homes on the pipe stem.

The Board understands that changes to the design manual will be necessary.

- **Storm water Management –Reduction of area of disturbance from 5,000 to 2,000 sq. ft:** The Board, in listening to citizen testimony and reviewing the County’s sewer capital budgets, realizes the potential negative impacts “neighborhood infill” can have on nearby and adjacent homeowners. However, equally legitimate concerns with the legislation were also raised by the

- development community who questioned the negative impact that the new reduced disturbance requirement would have on existing homeowners seeking to enhance or otherwise revitalize their homes. A main concern was the added expense to the homeowner to comply with the requirement to provide a site-development plan. DPZ clarified that the intent was not to require a site development plan but a detailed “plot plan”. DPZ explained that the “plot plan” requirement would not necessitate extensive engineering work or be financially burdensome on a homeowner. Furthermore, DPZ stated that it would permit a homeowner to use its data to complete the “plot plan”.

While negative impacts to adjoining properties anecdotes were presented, it is not clear what the magnitude of the problem is, how prevalent it has become, if it is isolated to only a few communities or if it is prevalent throughout the County. The Council may wish to explore these questions further.

The Board questioned and attempted to evaluate the rationale in selecting the 2,000 square foot disturbance area and whether this significant reduction would adequately address the associated problems. DPZ could offer no specific rationale other than to say it was an appropriate standard that they believed had been used in P.G and/or Montgomery County. However, this information was not confirmed or readily available.

In addition, the Board attempted to determine the reach of the regulatory change by asking the new standard be applied to several recent home addition permit requests. The Board was hoping to see if typical home additions would be subject to the regulation or not. At the conclusion of our worksessions, we had not been able to review those scenarios.

Therefore, the Board was not persuaded that a reduction of the area of disturbance from 5,000 sq. ft. to 2,000 sq. ft. was supported or warranted. The Board, without more information as to how the 2,000 sq. ft. threshold was established, and the prevalence of need is unable to support or recommend if the 2,000 square foot standard is appropriate or if it should be more or less restrictive.

The Board believes that this regulation has the potential to impact the County’s operating budget, specifically DPZ’s. It is unclear how the Department will be able to implement the review of even more plans for compliance or assist novice homeowner in developing “plot plans” given existing workloads. The Council may wish to require that DPZ provide more detail on how it will implement this regulation, how it would ensure the reliability of the data it provides, and what staffing requirements and equipment upgrades are envisioned.

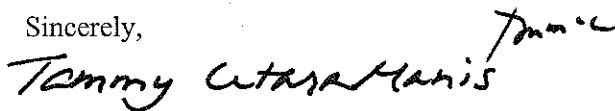
- ***Neighborhood Infill Lot Size and Open Space*** – The Board supports revising the regulations to use the standard of net acreage for calculating parcel development potential for consistency sake with other zones and for the significant impact “neighborhood infill” has on surrounding properties. The Board also supports altering the open space requirements as well. Specifically the legislation restricts R-20 lot size to a minimum of 20,000 square feet and R-12 to 12,000 square feet with net acreage (deducts floodplain and steep slopes) as the basis for calculating both density and open space. (See also separate recommendation on ZRA 96).
- ***Compatibility*** – The Board wishes to highlight the issue of “neighborhood infill” compatibility. In the legislation, DPZ seeks compatibility with respect to unit type or permitting the use of landscape buffers. It was raised and clarified that architectural character is not included in the definition of compatibility. While the Board supports such a distinction, we wish to acknowledge that citizen testimony on the matter did seek architectural compliance of infill projects

In closing, the Board wishes to raise a few process issues. This legislation's wide scope, complexity, interconnectivity to other regulations and manuals and citizen impact, require a close review by the Office of Law to assure that regulations' notation, term usage and definitions are consistent. With respect to citizen involvement, more must be done to encourage their participation in order for all views to be considered.

If in the future a similarly ambitious legislative package is proposed, it would be more effective to construct a timeline that permits sufficient time for additional dates for public meetings and Board work sessions. This would allow for a thorough review of the documents and testimony which is necessary and essential to our submitting a useful and meaningful recommendation.

The Board appreciated the extensions of time granted by Chairperson Watson to allow us sufficient time to complete our recommendation on this and ZRA 96. We would gladly answer any questions you may have in this regard.

Sincerely,

A handwritten signature in black ink that reads "Tammy CitaraManis". The signature is written in a cursive, flowing style. Above the signature, there is a small, handwritten mark that appears to be "Tammy".

Tammy CitaraManis, Chairperson
Planning Board

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cc: Ken Ulman, County Executive
Lonnie Robbins, Chief Administrative Officer
Jessica Feldmark, Special Assistant
Ian Kennedy, Special Assistant
Sheila Tolliver, Legislative Assistance, Howard County Council
David Grabowski, Vice-Chairperson, Howard County Planning Board
Ramsey Alexander, Jr., Member, Howard County Planning Board
Linda A. Dombrowski, Member, Howard County Planning Board
Gary L. Rosenbaum, Member, Howard County Planning Board

ATTACHMENT A (*REVISED*)
DRAFT PROPOSED NEIGHBORHOOD INFILL REGULATION CHANGES
May 13, 2008

Note: Original Proposal: CAPS = New; [[]] = Deletion
Proposed Revisions: UNDERLINE = New; ~~Strikethrough~~ = Deletion

Subdivision and Land Development Regulations	COMMENTS
<u>Section 16.102. Applicability</u>	
<p>(h) <u>Pending Subdivisions and Developments: Except as otherwise provided by law, if the processing requirements of Section 16.144, 16.147, and 16.156 of this Subtitle are met, plans which have reached the following stages in the approval process prior to the effective date of this Subtitle shall continue to be processed in accordance with the regulations which were in effect at the time of plan approval:</u></p> <p>(1) <u>Preliminary Plan original signature or Preliminary Equivalent Sketch Plan original signature approval;</u></p> <p>(2) <u>Final Plan approval letter for minor subdivisions and resubdivisions; or</u></p> <p>(3) <u>Site Development plan original signature approval.</u></p> <p><u>If the approved plans fail to meet the processing requirements, the plans shall be resubmitted pursuant to this Subtitle. Plan changes that alter the limits of submission or the limits of disturbance shall also be processed pursuant to this Subtitle.</u></p>	<p><i>The legislation will propose alternate, earlier grandfathering for all plans that are already in process (February 14, 2008?)</i></p> <p><i>Planning Board: Agree grandfathering should address projects that are already in process so they are not impacted, with consistent grandfathering provision for all regulation changes.</i></p>
<u>Section 16.108. Rules of Construction; Definitions</u>	
<p>(b) Definitions</p> <p>(28.1) Initial Plan Submittal: For REQUIRED PRE-SUBMISSION COMMUNITY MEETINGS, [[the purposes of residential infill development requirements]] the initial plan submittal is the:</p> <p>(i) Zoning petition, if it includes a Site Plan or a Preliminary Development Plan;</p> <p>(ii) Conditional use petition, if required;</p> <p>(iii) Sketch Plan or Preliminary Equivalent Sketch Plan for a major subdivision;</p> <p>(iv) Final Plan for a minor subdivision or resubdivision; or</p> <p>(v) Site Development Plan for single family units on deeded parcels, or for</p>	<p><i>Clarification related to expanded pre-submission meeting requirements</i></p>

<p>condominium or rental units on a parcel which is not part of a recorded subdivision that authorized an equal or greater number of residential units than proposed on the Site Development Plan.</p> <p>(32.2) <u>INFILL, NEIGHBORHOOD INFILL – SUBDIVISIONS/RESUBDIVISIONS THAT CREATE TEN OR FEWER LOTS FROM LAND ZONED R-20 OR R-12 WITHIN A RECORDED NON-CLUSTER SUBDIVISION COMPRISED OF LOTS 20,000 SQ. FT. OR GREATER (IN R-20) OR 12,000 SQ. FT. OR GREATER (IN R-12) THAT HAS EXISTING SINGLE FAMILY DETACHED HOMES, OR ADJOINING THIS TYPE OF SUBDIVISION ALONG 60% OF ITS PERIMETER.</u></p> <p>[(44.1)] (32.3) <u>INFILL, Residential infill: A residential development in the area planned for both water and sewer service that creates one or more units on a property that adjoins an existing residential unit.</u></p>	<p><i>Clarify that neighborhood infill is a type of residential infill.</i></p> <p><i>Planning Board: Add definition of residential infill to clarify neighborhood infill is a type of residential infill.</i></p>
<p>Section 16.120. Lot Lay-out</p>	
<p>(b) <i>Lot Design:</i></p> <p>(4) <i>Usable design:</i> Residential lots shall be designed to be usable in terms of :</p> <ul style="list-style-type: none"> (i) Regular, generally rectangular lot shape; (ii) Lot dimensions generally not exceeding a 3:1 lot depth to lot width ratio; (iii) Not being encumbered by environmentally sensitive features: <ul style="list-style-type: none"> a. For a lot or buildable preservation parcel 20,000 square feet or greater in size, excluding any pipestem area, steep slopes may be on the lot if located no closer than 35 feet from the building envelope. A deck may project 10 feet beyond the building envelope; b. For a lot or buildable preservation parcel of 10 acres or greater in size floodplains, wetlands, streams, their buffers, and forest conservation easements for afforestation, reforestation, or retention may be located on the lot or parcel if the building envelope is no closer than 35 feet from these environmental features, provided that a deck may project 10 feet beyond the building envelope; 	

- ~~[[c.~~ For R-20 AND R-12 NEIGHBORHOOD infill subdivisions that are restricted in using optional lot sizes under Section 16.121(a) of this Subtitle, steep slopes, floodplains, wetlands, wetland buffers, streams and stream buffers may be located on lots, provided that the building envelope is no closer than 35 feet from these environmental features, and provided that a deck may project 10 feet beyond the building envelope; ~~and]]~~
- D. ~~FOR THE DEVELOPMENT OF~~ A RESIDENTIAL LOT/PARCEL (DEEDED OR PLATTED) WHICH EXISTED ON _____ (INSERT EFFECTIVE DATE OF THIS REGULATION) AND IS ENCUMBERED BY ENVIRONMENTAL FEATURES, REASONABLE USE SHALL BE ALLOWED. HOWEVER, DEVELOPMENT MUST MINIMIZE ENCROACHMENT ON ENVIRONMENTAL FEATURES. THE BUILDING ENVELOPE SHALL BE ESTABLISHED BY THE MORE RESTRICTIVE OF EITHER THE ZONING SETBACK OR A SETBACK OF 35' FROM ANY PROTECTED ENVIRONMENTAL FEATURE UNLESS THIS PRECLUDES REASONABLE USE. ~~LOCATED ON THE LOT/PARCEL.~~ DECKS MAY PROJECT UP TO 10 FEET BEYOND THE BUILDING ENVELOPE; AND
- [[d]]E. For condominium units and rental apartments, protected environmental features shall be located in open space with units no closer than 15 feet from the protected features.
- (iv) Not being encumbered by access easements for stormwater management facilities or open space; except in accordance with Section 16.121(e) of this Subtitle; and
- (v) Drainage
- a. RAINGARDENS OR the centerline of drainage swales shall be no closer than 15 feet from the rear of a residential dwelling.
 - b. Drainage inlets, outlets, headwalls, and rip-rap shall not be located within the building envelope on residential lots unless, based on justification prepared by the developer, the Department of Planning and Zoning determines there is no better alternative.

Revise to clarify that environmental setback applies to any existing lot encumbered by environmental features, not just newly created lots.

Require raingardens (stormwater management features) to be located away from the home to permit a usable yard and thereby deter removal or alteration by the homeowner.

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- (5) *Excessive noise levels:*

- (i) For residential subdivisions or site development plans a noise study may be required in accordance with the Design Manual[[.]]:

A. FOR SINGLE FAMILY DWELLINGS, The subdivision or site development plan lay-out shall ensure that the noise level in the rear yard OF SINGLE FAMILY DWELLINGS does not exceed the standard set in the Design Manual. Where necessary, noise mitigation shall be provided. FOR THE PURPOSES OF NOISE EVALUATION THE “REAR YARD” IS DEFINED AS ANY PORTION OF THE LOT LOCATED UP TO 30 FEET BEHIND THE EXISTING OR PROPOSED STRUCTURE.

B. APARTMENT UNITS SHOULD BE DESIGNED AND CONSTRUCTED TO ENSURE INTERIOR NOISE LEVELS DO NOT EXCEED THE NOISE STANDARDS OF THE DESIGN MANUAL.

- (ii) Where residential lots will be impacted by excessive noise levels from an existing or proposed highway or railroad, and a wall or fence is required for noise mitigation, it shall be located in open space and maintained by a homeowner's association, if open space is being created. If open space is not being created, noise walls and fences shall be located on residential lots with cross easements for maintenance to be recorded with the final plat.

- (6) *Pipestem residential lots:*

- [[(i) *Limit on adjoining driveway entrances:* Pipestem lots are permitted. Not more than 2 pipestem lots may have adjoining driveway entrances to a public right-of-way, except that additional adjacent pipestem lots may be approved if the Department of Planning and Zoning determines that this design better protects environmental features or yields a better lot lay-out. In such instances a use-in-common driveway must be provided in accordance with the Design Manual.]]

- (I) *PIPESTEM LOTS ARE PERMITTED:* IF THE DESIGN COMPLIES WITH THE FOLLOWING CRITERIA:

A. Number of Pipestems

Clarification of existing requirements.

Pipestem lots are widely used to maximize lot yield while minimizing road construction costs. However, they often result in haphazard lot lay-outs, which stack homes behind each other with odd orientations and encroachment on neighbors privacy. Multiple pipestem lots on shared private driveways require stacking of trash at the juncture

- D. PIPESTEM LOTS MAY BE LOCATED ADJOINING TO ONE ANOTHER, HOWEVER ESTABLISHMENT OF THE BUILDING

Planning Board: Clarify that pipestems may be adjoining one another, rather than stacked behind.

RESTRICTION LINES MUST FACILITATE A DESIGN WHERE THE HOMES ON THESE LOTS WILL FACE ONE ANOTHER ACROSS THE USE-IN-COMMON DRIVEWAY.

E. ~~A-MULTIPLE PIPESTEM LOTS SERVED BY A USE-IN-COMMON DRIVEWAY~~ EXTENDING FROM THE TERMINUS OF A PUBLIC ROAD SHALL NOT BE PERMITTED UNLESS THE DEPARTMENT OF PLANNING AND ZONING DETERMINES THAT ENVIRONMENTAL FEATURES OR PARCEL SHAPE PRECLUDE PUBLIC ROAD EXTENSION.

- (II) WHERE PIPESTEM LOTS ARE PERMITTED AND SHARE ACCESS, A USE-IN-COMMON DRIVEWAY MEETING THE SPECIFICATIONS OF THE DESIGN MANUAL MUST BE PROVIDED.
- (III) FOR PIPESTEM LOTS OR PARCELS WITH SHARED ACCESS, AN ACCESS AND MAINTENANCE EASEMENT FOR THE DRIVEWAY SHALL BE RECORDED FOR THE IMPACTED LOTS AND REFERENCED ON THE FINAL PLAN. WHEN APPROPRIATE, THE EASEMENT SHALL INDICATE THAT ANY PARTY TO THE EASEMENT MAY CONSTRUCT A PUBLIC ROAD TO PERMIT FURTHER SUBDIVISION.
- (IV) If subdivision lots with access from a use-in-common driveway adjoin a parcel that can be further subdivided under the parcel's current zoning, cross easements shall be recorded that will allow use and, if required by the Design Manual, improvement of the use-in-common driveway by the future adjoining subdivision. Shared use and maintenance of a single use-in-common driveway will be [[required]] PERMITTED only if the total development potential of the 2 subdivisions under current zoning will not exceed 4 units FOR NEIGHBORHOOD INFILL DEVELOPMENT AND 6 UNITS FOR OTHER RESIDENTIAL DEVELOPMENT;
- (V) IT SHALL BE NOTED ON A FINAL SUBDIVISION PLAT WITH A USE-IN-COMMON DRIVEWAY THAT A REFUSE COLLECTION, SNOW REMOVAL, AND ROAD MAINTENANCE ARE ONLY PROVIDED TO THE JUNCTION OF THE PUBLIC ROAD AND THE DRIVEWAY;

Planning Board: Clarifies wording to indicate that the public road should be extended to all lots unless site features prevent.

Relocate other provisions on pipestems misplaced under frontage Section (c),(iv), (v) and (vi) which pertains to frontage on a public road.

Any additional subdivision to create more lots requires construction of a public road.

[[ii]](VI)	<p>Length of pipestem [[lot]]: The length of [[the]] ANY PERMITTED pipestem shall not exceed:</p> <ul style="list-style-type: none"> a. 1,500 feet for non-cluster subdivision lots in the RC or RR zoning districts. For cluster subdivisions, the Department of Planning and Zoning may approve a greater pipestem length if this permits lots to be better located with respect to preservation parcels; or b. 800 feet for lots in all other zoning districts that are served by an individual or use-in-common driveway. 	<p><i>Revise numbering of remaining subsections.</i></p> <p><i>Planning Board: Access for emergency vehicles is critical. The Dept. of Fire and Rescue Services requests a turn-around if shared driveway exceeds 100'. Recommend adding this requirement to Design Manual. (Standards for turn around design are already in the Manual, as are requirements for adequate turning radius when driveways have sharp turns).</i></p>
[[iii]](VII)	<p>Minimum lot area: Minimum lot area shall not include the area of the pipestem.</p>	
[[iv]](VIII)	<p>Front yard setback: For pipestem lots the front yard setback shall be established in the non-pipestem area to permit best utilization for the lot and greatest privacy to the adjacent lot. The front setback shall be measured as a line parallel to the front lot line.</p>	
[[v]](IX)	<p>Subdivision layout:</p> <ul style="list-style-type: none"> a. The subdivision lot layout shall pair [[or cluster]] pipestem lots whenever possible, so that the units on pipestem lots face each other across the use-in-common driveway. b. In order to avoid orientation and privacy problems, new homes on pipestem lots shall be oriented SIDE TO SIDE OR side to rear, not front to rear, in relation to adjoining lots [[that front on a public road]]. c. Pipestem lots shall not be created on both sides of a frontage lot in the same subdivision. 	<p><i>Ensure lot layout provides privacy for the rear yard of existing homes.</i></p>
[[vi]](X)	<p><i>Driveway setback from project boundary:</i> The driveways for pipestem lots shall be located at least [[10]] 8 feet from the project boundary to provide space for required perimeter landscaping to buffer the adjacent property. Where a [[10]] 8 foot buffer is not possible due the existing parcel's configuration, drainage, or easement constraints, or is undesirable because future subdivision of the adjoining parcel may require sharing the use-in-common driveway under subsection (c)(2)(iv) of this section, the Department of Planning and Zoning may approve a 5-foot driveway buffer. In such instances, hedge, solid fence, wall, or Type D landscape edge is required,</p>	<p><i>Reduce from 10' to 8' to reflect recent amendments to the Design Manual which now requires a 16' wide driveway in a 24' easement, leaving 8' for landscaping.</i></p>

except in the front setback from a public road, where a solid screen would block sight distance.

(c) *Minimum Frontages:*

- (1) *Commercial, industrial or apartment:* All commercial, industrial or apartment lots shall have a minimum frontage of 60 feet on an approved public road which [[provides]] COINCIDES WITH access to the property. Lots for individual businesses within a commercial center or industrial development that have shared access and parking may be approved by the Department of Planning and Zoning without public road frontage.
- (2) *Single-family detached:* All lots, preservation parcels, or bulk parcels for single-family detached dwellings shall have minimum lot frontages on approved streets within a public right-of-way which [[provides]] COINCIDES WITH access to the property as follows:
 - (i) 20 feet for single pipestem and non-pipestem lots and preservation parcels which cannot be further divided under current zoning;
 - [[(ii) Lots or preservation parcels which share access shall have sufficient frontage collectively to meet the driveway easement requirements in the Design Manual;]]
 - (II) ADJOINING PIPESTEM LOTS/PARCELS SHALL HAVE SUFFICIENT FRONTAGE COLLECTIVELY TO MEET THE SHARED ACCESS EASEMENT WIDTH REQUIREMENTS OF THE DESIGN MANUAL. THIS REQUIRED FRONTAGE MUST BE EVENLY DISTRIBUTED BETWEEN THE ADJOINING PIPESTEM LOTS AND THIS MINIMUM WIDTH MUST BE SUSTAINED FOR THE ENTIRE LENGTH OF THE PIPESTEMS;
 - (iii) Non-pipestem, single pipestem and [[adjacent]] ADJOINING pipestem lots which have enough subdivision potential under current zoning to require future provision of a public road shall have sufficient frontage collectively to meet the public road right-of-way requirements in the Design Manual, including future right-of-way truncation. Cross easements for future road construction shall be provided;
 - [[(iv) If subdivision lots with access from a use-in-common driveway adjoin a parcel that can be further subdivided under the parcel's current zoning, cross easements shall be recorded that will allow use and, if required by the Design Manual, improvement of

Clarification of existing requirements.

Expansion of the language in (ii) ensures adequate land is available for pipestem lots to meet minimum lot size and that density is not manipulated by decreasing width of pipestem.

Relocate (iv), (v) and (vi) to (6)(iii), (iv) and (x) since these pertain to pipestems, not frontage.

the use-in-common driveway by the future adjoining subdivision. Shared use and maintenance of a single use-in-common driveway will be required only if the total development potential of the 2 subdivisions under current zoning will not exceed 6 units;]]

[[(v) For pipestem lots and preservation parcels LOTS/PARCELS with shared access, an access and maintenance easement for the driveway shall be recorded for the impacted lots and referenced on the final plan. When appropriate, the easement shall indicate that any party to the easement may construct a public road to permit further subdivisions.]]

(vi) It shall be noted on the final subdivision plat that refuse collection, snow removal, and road maintenance for pipestem lots and preservation parcels are provided to the junction of the public road and the pipestem driveway; and]]

[[(vii)]](IV) Frontage on a public road is not required for agricultural preservation subdivisions if the lots being created are provided with an access easement containing an individual or shared driveway meeting the requirements of the Design manual.

(3) *Single-family semi-detached:* Single-family semi-detached lots shall have a minimum of 15 feet of frontage on a public road.

(4) *Single-family attached:* Single-family attached lots shall have a minimum of 15 feet of frontage on a public road, single-family attached lots may be approved without public road frontage provided they front on a commonly owned area containing a parking area or private road not exceeding a length of 200 feet measured from the edge of the public right-of-way along the centerline of the private road.

(5) *Non-buildable preservation parcels:* Non-buildable preservation parcels shall have 20 feet of frontage unless the Department of Planning and Zoning determines that a different frontage is needed for the proposed use.

Revise numbering.

Section 16.121. Public Sites and Open Space.	
<p>(a) <i>Open Space Requirements:</i></p> <p>(1) <i>Purpose:</i> The purpose of open space requirements are:</p> <ul style="list-style-type: none"> (i) To properly locate and preserve open space which protects environmental resources and provides for recreation or public use; and (ii) To equitably apportion costs of providing the sites necessary to serve the additional families brought into the community by subdivisions or developments on the basis of the additional need created. <p>(2) <i>Calculated as percentage of [[gross]] area of proposed subdivision or site development:</i> Required open space shall be calculated as the following percentage of the gross OR NET area of the proposed subdivision or development. The area of any overhead utility transmission line easements shall be deducted from gross area before calculating the open space requirement.</p>	<p><i>Allows for environmental features to be better protected by being placed on open space.</i></p>

ZONING DISTRICT		MINIMUM OPEN SPACE	<p><i>For R-20 and R-12 neighborhood infill, calculate the net area of the site excluding floodplain and steep slopes. Provide 10% of the net area as open space so that the open space is sized to accommodate stormwater management and forest conservation requirements, in addition to the environmentally sensitive areas. The remaining net acreage can be divided into residential lots.</i></p>
RC, RR	AGRICULTURAL PRESERVATION SUBDIVISIONS CLUSTER, DEO OR CEO SUBDIVISIONS, NON-CLUSTER SUBDIVISIONS	NONE NONE FEE-IN-LIEU*	
R-ED		50% OF GROSS ACRES	
R-20	<ul style="list-style-type: none"> ■ R-20 SUBDIVISIONS WITH 11 OR MORE RESIDENTIAL LOTS EXCLUDING NEIGHBORHOOD INFILL ** <ul style="list-style-type: none"> - MINIMUM LOT SIZE 20,000 SQ. FT. - MINIMUM LOT SIZE 18,000 SQ. FT. - MINIMUM LOT SIZE 16,000 SQ. FT. - MINIMUM LOT SIZE 14,000 SQ. FT. - MINIMUM LOT SIZE 12,000 SQ. FT. ■ R-20 NEIGHBORHOOD INFILL SUBDIVISIONS/ RESUBDIVISIONS WITH 10 OR FEWER RESIDENTIAL LOTS *** <ul style="list-style-type: none"> - MINIMUM LOT SIZE 20,000 SQ. FT. 	6% OF GROSS ACRES 10% OF GROSS ACRES 20% OF GROSS ACRES 30% OF GROSS ACRES 40% OF GROSS ACRES 10% OF NET ACRES	
R-12	<ul style="list-style-type: none"> ■ R-12 SUBDIVISIONS WITH 11 OR MORE RESIDENTIAL LOTS EXCLUDING NEIGHBORHOOD INFILL ** <ul style="list-style-type: none"> - MINIMUM LOT SIZE 12,000 SQ. FT. - MINIMUM LOT SIZE 10,800 SQ. FT. - MINIMUM LOT SIZE 9,600 SQ. FT. - MINIMUM LOT SIZE 8,400 SQ. FT. - MINIMUM LOT SIZE 7,200 SQ. FT. ■ R-12 NEIGHBORHOOD INFILL SUBDIVISIONS/ <u>RESUBDIVISIONS</u> WITH 10 OR FEWER RESIDENTIAL LOTS *** <ul style="list-style-type: none"> - MINIMUM LOT SIZE 12,000 SQ. FT. 	8% OF GROSS ACRES 10% OF GROSS ACRES 20% OF GROSS ACRES 30% OF GROSS ACRES 40% OF GROSS ACRES 10% OF NET ACRES	
R-SC, R-SA-8, R-A-15 AND R-MH		25% OF GROSS ACRES	
NT, PGCC, MXD, PSC, POR, CCT, R-SI, CAC, TOD, TNC		AS REQUIRED IN THE ZONING REGULATIONS	
<p>*IF THE DEPARTMENT OF RECREATION AND PARKS WANTS DEDICATION OF OPEN SPACE WITHIN THE SUBDIVISION (INSTEAD OF A FEE-IN-LIEU), 5% OF THE GROSS SITE ACREAGE SHALL BE DEDICATED TO THE COUNTY.</p> <p>**DEVELOPERS IN THE R-20 AND R-12 DISTRICTS ELECTING TO USE AN OPTIONAL LOT SIZE SHALL SELECT A MINIMUM LOT SIZE TO APPLY TO THE ENTIRE SUBDIVISION. THE CORRESPONDING PERCENTAGE OF THE GROSS SITE AREA MUST BE ESTABLISHED AS OPEN SPACE REGARDLESS OF HOW MANY LOTS ARE PROPOSED AT THE SELECTED MINIMUM LOT SIZE.</p> <p>***FOR R-20 AND R-12 NEIGHBORHOOD INFILL SUBDIVISIONS/RESUBDIVISIONS WITH 10 OR FEWER LOTS, THE DEVELOPER MAY NOT REDUCE LOTS SIZES BELOW 20,000 SQ. FT. (R-20) OR 12,000 (R-12) AND THE DEVELOPER MUST CREATE OPEN SPACE EQUAL TO A MINIMUM OF 10% OF THE NET SITE AREA. FLOODPLAIN AND STEEP SLOPES EXCLUDED TO CALCULATE THE NET SITE AREA MUST BE INCLUDED WITHIN THE OPEN SPACE PROVIDED.</p>			<p><i>Ensures that environmental features be placed on open space.</i></p>

Section 16.124. Landscaping.	
<p>(D) DEVELOPMENT PLANS SHOULD BE DESIGNED TO FACILITATE THE RETENTION OF HEALTHY SPECIMEN TREES OF 18 INCH CALIPER OR GREATER:</p> <ol style="list-style-type: none"> (1) DEPENDING ON THE LOCATION OF THE SPECIMEN TREE, AND THE PROPOSED GRADING AND CONSTRUCTION, <u>PERIMETER</u> LANDSCAPING CREDIT MAY BE GIVEN FOR <u>SPECIMEN TREE</u> RETENTION. (2) IF SPECIMEN TREES OF 18 INCH CALIPER ARE RETAINED, EACH RETAINED TREE SHALL BE CREDITED AT A 3:1 RATIO FOR ANY REQUIRED <u>PERIMETER</u> LANDSCAPING. (3) IF A HEALTHY SPECIMEN TREE IS PROPOSED FOR REMOVAL AS PART OF THE DEVELOPMENT PLAN, IT MUST BE REPLACED AT A 3:1 RATIO WITH TREES HAVING A MINIMUM 2.5 INCH CALIPER. THESE REPLACEMENT TREES ARE REQUIRED IN ADDITION TO ANY REQUIRED <u>PERIMETER</u> LANDSCAPING FOR THE PROJECT. 	<p><i>Create incentives and penalties for removing healthy, mature trees.</i></p> <p><i>Planning Board: Clarify that perimeter landscaping may be credited.</i></p>
<p>[[d]](E) <i>Reforestation and Afforestation:</i></p> <ol style="list-style-type: none"> (1) Certain forms of landscaping may be used to meet the reforestation or afforestation requirements of the forest conservation plan upon approval of the Department of Planning and Zoning. (2) The amount of the landscaped area to be credited for forest conservation obligations shall be in accordance with Title 16, Subtitle 12 of the Howard County Code and the standards for landscaping substitutions cited in the Howard County Forest Conservation Manual. (3) Landscaping used to fulfill forest conservation requirements shall be included in the required construction and post-construction protection and management agreements and shall be in open space, or in areas protected by binding, long-term protective agreements under the same terms that apply to other reforestation or afforestation areas as described in Subtitle 12 of this Title. 	<p><i>Renumber remaining subsections</i></p>
<p>[[e]](F) <i>Street Trees and Right-of-Way Plantings:</i></p> <ol style="list-style-type: none"> (1) Street trees with a minimum of at least 2.5-inch caliper shall be required in all districts. Street tree plantings shall be provided on new internal roads and on existing roads involving 	

	road improvements as described in the Landscape Manual. Existing trees to be preserved in or adjacent to the right-of-way may be approved and may be granted up to 100% credit towards meeting this requirement.	
	(2) Street trees shall not be counted towards reforestation or afforestation requirements of the forest conservation program. Street trees shall not be counted towards the landscape requirements of Subsection (b) of this Section.	
	(3) Street trees requirements shall be shown on the final plan or the site development plan if required by the State Highway Administration.	
[[f]](G)	<i>Landscape installation:</i>	
	(1) Required landscaping shall be included in the developer's agreement for the subdivision or development; additional surety is required	
	(2) When there is no developer's agreement required for a subdivision or site development plan with landscaping, the grading permit application and surety shall be modified to incorporate landscaping requirements.	
	(3) All landscaping shown on the approved final plan or site development plan shall be completed in accordance with the approved landscape plan before a release of surety. Prior to such release, the developer shall submit to the County evidence that a 1-year guarantee has been executed.	
[[g]](H)	<i>Maintenance:</i>	
	(1) The owner, tenant, and their respective agents, if any, shall jointly and severally be responsible for the maintenance of the required landscaping. All required plantings shall be maintained in good growing condition, and whenever necessary, replaced with comparable new plant materials to ensure continued compliance with applicable regulations.	
	(2) No plant material shall be allowed to encroach on road rights-of-way so that sight distance is impeded.	
	(3) Required berms, fences and walls shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.	

<p>Section 16.125. Protection of Scenic Roads.</p> <p>(b) <i>Guidelines for Development of Land [[Abutting]] ADJOINING a Scenic Road</i></p> <p>(2) <i>Forested or wooded areas.</i> Any new developments located along scenic roads must maintain at least a [[35]] 50 foot buffer of existing forest or wooded area between the road RIGHT-OF-WAY and the new development. [[The buffer shall be wide enough to maintain the road's visual character with a minimum width of at least 35 feet from the road right-of-way.]]</p> <p>(3) <i>Areas with open views.</i></p> <p>(i) Cluster development to retain as much as possible of the open character of the site and to minimize interference with panoramic views from the road.</p> <p>(ii) Where possible, site new buildings behind natural screening or cluster development in or along the edges of forests, at the edges of fields and hedgerows, or near existing buildings.</p> <p>(iii) Preserve the foreground meadow, pasture or cropland and place development in the background as viewed from the road.</p> <p>(iv) Avoid placing structures on the tops of prominent ridges.</p> <p>(v) If new construction cannot be made unobtrusive through siting or the use of natural screening, use landscaping including berms, to buffer development from the scenic road.</p> <p>(VI) FOR RESIDENTIAL DEVELOPMENT, IF THE DEVELOPER SHALL PLANT A FOREST BUFFER OF AT LEAST 50 FOOT DEPTH ADJOINING TO THE SCENIC ROAD RIGHT-OF-WAY. UNLESS THERE IS A PRESERVATION PARCEL OF NEW STRUCTURES ARE NOT SETBACK AT LEAST 200 FEET IN DEPTH (AS MEASURED FROM THE RIGHT-OF-WAY OF THE SCENIC ROAD),</p>	<p><i>Increase the width of forested buffer retained along a scenic road that has a forested or wooded scenic character. This pertains to forest retention only. See (b)(3)(vi) below for planting requirements along scenic roads with open character. Delete second sentence which is redundant.</i></p> <p><i>For scenic roads characterized by open views, development should be setback from the road to maintain the open character. However, if this is not possible, a forested buffer is required to screen the review of new development.</i> Planning Board: Wording is confusing, restructure to clarify.</p>
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<p>Section 16.127. Residential Infill Development.</p> <p>(a) <i>Purpose:</i></p> <ol style="list-style-type: none"> (1) Accommodate growth within areas that already have infrastructure and public facilities in the context of existing communities; (2) Ensure development occurs in a manner that protects the environment, achieves high quality design and strengthens existing communities; and (3) Encourage investment in older established communities. <p>[[(b) <i>Pre-submission community meeting:</i> A pre-submission community meeting is required prior to the initial submittal of plans for new residential infill developments submitted after November 15, 2001, according to the procedures established in Section 16.128 of this Title.]]</p> <p>[[(c) <i>Design of infill Development:</i></p> <ol style="list-style-type: none"> (1) The developer of a residential neighborhood infill project shall create compatibility with the existing neighborhood by designing the project to either: <ol style="list-style-type: none"> (i) Be the same as the surrounding residential neighborhood in terms of unit type (SFD, SFA, APTS); or (ii) Achieve compatibility by using enhanced perimeter landscaping adjacent to lots with existing homes. Either Type B Landscaping within a 20-foot setback or Type C Landscaping within a 10-foot setback may be used.]] <p>(B) <i>DESIGN OF ALL RESIDENTIAL INFILL DEVELOPMENTS</i></p> <p>[[(2)]] The following provisions are intended to improve the design of [[(a)]] ALL residential infill [[project and its relationship]] DEVELOPMENT IN RELATION to surrounding residential development:</p> <ol style="list-style-type: none"> [[(i)]] (1) Provide connectivity between on-site and off-site vehicular and pedestrian systems, protected environmental lands, and other open space. 	<p><i>Section 16.127 was originally adopted to establish a pre-submission community meeting for residential infill development inside the Planned Service Area for Public Water and Sewer Service (the County's Smart Growth Priority Funding Area). Pre-submission meetings are now also required for non-infill projects in the Rural West (see Section 16.128). Delete subsection (b) which now is redundant.</i></p> <p><i>Revise and relocate parts of subsection (c) to more specifically address infill within established R-20 and R-12 neighborhoods, as well as design requirements for all residential infill.</i></p>
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<p>[[ii]](2)</p> <p>[[iii]](3)</p> <p>(4) COMPATABILITY:</p> <p>(i)</p> <p>(A)</p> <p>(B)</p> <p>(ii)</p>	<p>Incorporate into the design locally significant site features, such as historic structures, unique topographic features, specimen trees, or other existing healthy buffer landscaping.</p> <p>Privacy:</p> <p>[[a.]](i) Location and design lots, buildings and site improvements to minimize infringement on the privacy of adjoining residential properties.</p> <p>[[b.]](ii) Use increased landscaping, berms, fences or walls, to effectively screen views of rear yards and decks from PROPOSED OR EXISTING RESIDENCES AND FROM public roads.</p> <p>FOR A RESIDENTIAL INFILL PROJECT DEVELOPMENT THAT IS SURROUNDED BY AN EXISTING ESTABLISHED OLDER HOMES IN AN ESTABLISHED NEIGHBORHOOD, SHALL CREATE COMPATIBILITY WITH THE EXISTING NEIGHBORHOOD BY DESIGNING THE PROJECT TO EITHER:</p> <p>BE THE SAME AS THE SURROUNDING RESIDENTIAL NEIGHBORHOOD IN TERMS OF UNIT TYPE (SFD, SFA, APTS); OR</p> <p>ACHIEVE COMPATIBILITY BY USING ENHANCED PERIMETER LANDSCAPING ADJOINING TO LOTS WITH EXISTING HOMES. EITHER TYPE B LANDSCAPING WITHIN A 20-FOOT SETBACK OR TYPE C LANDSCAPING WITHIN A 10-FOOT SETBACK MAY BE USED.</p> <p>A R-20 OR R-12 NEIGHBORHOOD INFILL DEVELOPMENT OF 10 OR FEWER LOTS SHALL COMPLY WITH BOTH (A) AND (B) ABOVE.</p>	<p><i>Conditional uses for age-restricted housing may allow for unit diversity as do most zoning districts, but such development should still be compatible. Small neighborhood infill projects in established single family R-20 and R-12 communities can be more disruptive than infill in more diverse areas <u>and thus must comply with both compatibility requirements in sub-section(4)i.</u></i></p> <p>Planning Board: Simplify language for clarity.</p>
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<p>Section 16.128.Pre-submission community meetings; exceptions.</p> <p><i>Pre-submission community meetings:</i> A pre-submission community meeting is required prior to the initial submission of plans for all new residential developments according to the following procedures:</p> <p>(a) The initial plan submittal shall be as defined in section 16.108 of this Subtitle</p> <p>(b) The meeting shall be:</p> <p>(1) Held at location within the community, in a public or institutional building located within approximately five miles of the subject property; and</p> <p>(2) Scheduled to start between 6 p.m. and 8 p.m. on a weekday evening, or to be held between 9 a.m. and 5 p.m. on a Saturday, excluding all official County Holidays and Rosh Hashanah, Yom Kippur, Eid Ul Fit or Eid Ui Adha.</p> <p>(c) The developer shall provide three weeks advance notice regarding the date, time, and location of the pre-submission community meeting to be held for a new residential development project to:</p> <p>(1) All adjoining property owners identified in the records of the State Department of Assessments and Taxation, THE HOWARD COUNTY COUNCIL AND ANY COMMUNITY ASSOCIATION THAT REPRESENTS THE GEOGRAPHIC AREA OF THE SUBJECT PROPERTY OR ANY ADJOINING PROPERTIES <u>AS IDENTIFIED ON A LIST OF COMMUNITY ASSOCIATION CONTACTS MAINTAINED BY THE COUNTY.</u> ALL ARE TO BE NOTIFIED NOTICE SHALL BE SENT by first-class mail WITH DELIVERY CONFIRMATION NOTICE; and</p> <p>(2) The Department of Planning and Zoning, which will place the meeting notice on the Department's web site; [[and]].</p> <p>[[(3) The Howard County Council; and [CB 8-2006, eff. 5/9/06]]</p> <p>[[(4) Any community association that represents the area of the subject property or any adjacent properties. [CB 58-2005, eff. 12/12/05] [CB 57-2006, eff. 10/03/06]]</p> <p>The property involved shall be posted with the time, date and place of the initial meeting. The sign shall include the address of Department of Planning and Zoning's website. The property shall be posted for at least [[two]] THREE weeks immediately before the meeting. The poster shall be double-sided and at least 30 inches by 36 inches in size. The poster shall include a three digit</p>	<p><i>Incorporate notification requirements from (3) and (4) below and clarify mode of notification to all parties.</i></p> <p><i>Make posting time consistent with 3 week mailed notice</i></p>
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<p>alphanumeric code, which would be used to identify the case. The alphanumeric code shall be posted by the Department of Planning and Zoning in at least five inch lettering in the top left corner of the poster. The Department of Planning and Zoning shall determine the number of posters required and their location and the petitioner shall bear the expense of posting. The posters shall be erected perpendicular to the road which serves as the mailing address of the subject property. The Department of Planning and Zoning shall supply the posters. The petitioner shall properly erect and maintain the posters. THE PETITIONER SHALL REMOVE THE POSTER WITHIN 30 DAYS FOLLOWING THE DATE OF THE MEETING.</p> <p>(d) The pre-submission community meeting is for the developer to [[provide]] PRESENT THE DEVELOPMENT PLAN, TO PROVIDE information to the community regarding the proposed residential development and to allow community residents to ask questions and make comments. <u>THE DEVELOPER OR ITS REPRESENTATIVE</u>, AND THE DESIGN CONSULTANT MUST ATTEND THE MEETING.</p> <p>(e) A certification that meeting notices were mailed and [[a summary]] MINUTES SUMMARIZING the comments made by residents at the pre-submission community meeting shall be transmitted by the developer to meeting attendees and the Department of Planning and Zoning when the initial plans are submitted for County review. THE MEETING MINUTES MUST INCLUDE A POINT-BY-POINT RESPONSE TO <u>MAJOR</u> CITIZEN CONCERNS EXPLAINING HOW EACH CONCERN HAS BEEN ADDRESSED, AND IF CONCERNS <u>WON'T</u> BE ADDRESSED, THE REASON WHY NOT.</p> <p>(f) Citizens may request a meeting with a staff member of the Department of Planning and Zoning to review the development proposal after the initial plan has been formally submitted to the Department.</p> <p>(g) If the developer does not submit plans to the Department of Planning and Zoning within 1 year of the pre-submission community meeting, another pre-submission community meeting and notification in accordance with Subsection [[b(1)]] (B) of this Section shall be required.</p> <p>[[Section 16.129 Reserved]]</p>	<p><i>Specify removal period.</i></p> <p><i>Established timeframe for removing pre-submission meeting posters.</i></p> <p><i>Clarification of expectations regarding meeting purpose, as well as documentation of response to citizen concerns.</i></p> <p><i>Planning Board: Requirements for point by point response are too specific.</i></p> <p><i>Correction</i></p>
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Section 16. 145.Sketch Plan; Preliminary Equivalent Sketch Plan.	
<p>(b) <i>Procedures:</i></p> <p>(2) <i>Pre-submission community meeting:</i> If the initial plan submittal for [[an infill]] RESIDENTIAL subdivision is a sketch plan or preliminary equivalent sketch plan, the developer of the subdivision is required to hold a pre-submission community meeting in accordance with Section [[16.127]] 16.128 of this Subtitle.</p> <p>(7) <i>File original tracings of approved plan:</i> WITHIN 45 DAYS OF PLAN APPROVAL, the developer shall file original tracings of the [[approves]] APPROVED sketch or preliminary equivalent sketch plan with the Department of Planning and Zoning [[prior to the submission of the next plan stage]]. The original tracing shall be on a durable, reproducible of mylar or comparable material approved by the Department of Planning and Zoning.</p>	<p><i>Clarify pre-submission meetings are now required for all new residential development, and correct section reference for pre-submission meeting requirements.</i></p> <p><i>Clarifying submission deadline</i></p>
Section 16.146.Preliminary Plan.	
<p>(b) <i>Procedures:</i></p> <p>(4) <i>File original tracings of approved preliminary plan:</i> WITHIN 45 DAYS OF PLAN APPROVAL, the developer shall file original tracings of the approved preliminary plan with the Department of Planning and Zoning [[prior to the submission of the final plan]]. The original tracing shall be on a durable, reproducible of mylar or comparable material approved by the Department of Planning and Zoning.</p>	<p><i>Deadline clarification</i></p>
Section 16.147 Final Subdivision Plan and Final Plat.	
<p>(a) <i>Procedures:</i></p> <p>(1) <i>Pre-submission community meeting for minor subdivisions:</i> If the initial plan submittal for a residential [[infill]] subdivision is a final plan, the developer of the subdivision is required to hold a pre-submission community meeting in accordance with Section [[16.127]] 16.128 of this Subtitle.</p>	<p><i>Correct section reference.</i></p>

<p>Article V. Procedures for Filing and Processing Site Development Plan Applications Section 16.155. Applicability.</p>	
<p>(a) <i>A site development plan, approved by the Department of Planning and Zoning, is required for:</i></p> <p>(2) <i>Residential:</i> New Residential development as follows:</p> <p>(ii) Development of single-family detached residential lots and deeded parcels within the Planned Service Area for both public water and sewer; except that lots in recorded subdivisions created before February 7, 1976 are exempt from site development plan requirements unless more than 5,000 square feet of disturbance is proposed and the lots have not been reconfigured or merged through the recordation of a plat recorded on or after February 7, 1976. <u>HOWEVER, FOR PRE-1976 EXEMPT LOTS THAT ARE 20,000 SQ. FT. OR LESS, IF CONSTRUCTION DISTURBS 2,000 SQUARE FEET OR MORE OF LAND REQUIRE A DETAILED PLOT PLAN IS REQUIRED WITH THE BUILDING PERMIT SO THAT GRADING AND DRAINAGE CAN BE EVALUATED TO AVOID ADVERSE DRAINAGE IMPACTS ON ADJOINING PROPERTIES (SEE SECTION 16.155(b) BELOW), AND</u></p> <p>(iii) Residential lots with New Town zoning, not meeting the requirements of subparagraphs (i) or (ii) of this Paragraph, where the final development plan criteria require submission of a site development plan.</p> <p>(IV) <u>TEAR DOWN AND REPLACEMENT OF EXISTING HOMES AND HOME ADDITIONS THAT DISTURB 2,000 SF OR MORE OF LAND ARE EXEMPT FROM THE SITE DEVELOPMENT PLAN REQUIREMENT. HOWEVER, IN THE PLANNED SERVICE AREA FOR BOTH PUBLIC WATER AND SEWER ON LOTS THAT ARE 20,000 SQUARE FEET OR LESS, IF THE CONSTRUCTION DISTURBS 2,000 SQUARE FEET OR MORE OF LAND, A DETAILED PLOT PLAN IS REQUIRED WITH THE BUILDING PERMIT SO THAT GRADING, AND DRAINAGE CAN BE EVALUATED TO AVOID ADVERSE DRAINAGE IMPACTS ON ADJOINING PROPERTIES.</u></p> <p>(3) <i>Conditional Use:</i> All conditional uses in commercial or industrial districts. In other districts, the Department of Planning and Zoning may require a site development plan for conditional uses which require exterior site improvements.</p>	<p><i>Revise the SDP exemption for development of lots in older platted subdivisions such as Lennox Park, Harwood Park and North Laurel Park. Build-out of these small lots can result in drainage problems, which need to be evaluated at the building permit stage.</i></p> <p><i>Planning Board: What is the cost impact of lowering SWM threshold and requiring a detailed plot plan for homeowners seeking to improve an existing home? DPZ: request is for less expensive Plot Plan NOT Site Development Plan. A plot plan and survey of the property is already required for building permit, but would also need the surveyor to shoot topography. National research has identified that other</i></p>

<p>(b) For residential development not listed in (a) above, a plot plan shall be submitted in conjunction with the building permit application and in accordance with the requirements of the Department of Inspections, Licenses and Permits.</p>	<p><i>jurisdictions are stricter than the Maryland State stormwater management standard of 5,000 sq. ft. of disturbance.</i></p> <p><i>Planning Board: For Section 16.155(a)(2)(ii) and (iv), clarify that a detailed plot plan is not required for lots larger than 20,000 sq. ft. in size</i></p>
<p>Section 16.156. Procedures.</p>	
<p>(a) <i>Pre-submission community meeting:</i> If the initial plan submittal for a residential [[infill]] development is a Site Development Plan, the developer is required to hold a pre-submission community meeting in accordance with Section [[16.127]] 16.128 of this Subtitle.</p>	<p><i>Correct section reference.</i></p>

STORMWATER MANAGEMENT – Design Manual Volume I	
4.6 RESIDENTIAL LOT DRAINAGE REQUIREMENTS	
4.6.1 Drainage Swales and Surface Drainage Easements	
<p>D. The maximum drainage area to any swale between two (2) houses shall be 1.0 acre. If the distance between the two (2) houses is much greater than the typical 15 or 20 feet, a greater amount of flow may be allowed in the swale. A designed swale shall be shown on the plans with the typical section and hydraulic data. COMPUTATIONS FOR SWALES BETWEEN TWO STRUCTURES SHALL DEMONSTRATE THAT THE 10-YEAR WSE IN THE SWALE IS 6” OR LESS AND THE SWALE IS A MINIMUM 1’ BELOW THE FFE OF THE STRUCTURE.</p> <p>H. WHERE A STORM DRAIN OUTFALL, STORMWATER MANAGEMENT OUTFALL OR CONCENTRATED LOT DRAINAGE EXCEEDS 2.0 CFS FOR A 1-YEAR STORM EVENT, AT THE COUNTY’S SOLE DISCRETION, A DETAILED STUDY SHALL BE PROVIDED AT LEAST 500 FT DOWNSTREAM OF THE OUTFALL BELOW THE PROPERTY LINE <u>IT SHALL BE THE DEVELOPER’S RESPONSIBILITY, TO THE MAXIMUM EXTENT PRACTICABLE, TO ENSURE THAT NO DELETERIOUS ADVERSE DRAINAGE IMPACTS ARE CREATED AND THAT THE RUNOFF CAN BE SAFELY CONVEYED TO AN ACCEPTABLE ADEQUATE OUTFALL WITHIN 500 FEET. ADEQUATE OUTFALL MAY BE A STORM DRAIN PIPE OR INLET WITH SUFFICIENT CAPACITY OR IF A STORMDRAIN SYSTEM IS NOT AVAILABLE, THE OUTFALL MUST NOT CAUSE EROSION OR FLOODING PROBLEMS. THE COUNTY MAY REQUIRE A DETAILED DOWNSTREAM ASSESSMENT. IF NEEDED TO DETERMINE OUTFALL ADEQUACY.</u></p>	<p><i>Run-off leaving the development site needs closer review, especially in areas that already have drainage problems.</i></p> <p><i>Planning Board: Add criteria to define adequate outfall.</i></p>
5.12 Applicability	
<p>B. The following activities are exempt from the provisions and requirements of providing stormwater management provided that the work will not cause an adverse impact of the receiving wetland, watercourse or water body:</p> <p>1. <u>NEW NEIGHBORHOOD INFILL DEVELOPMENT THAT DISTURBS LESS THAN 2,000 SQUARE FEET OF LAND AREA;</u></p>	<p><i>Neighborhood infill and modifications to existing single family homes in the PSA that disturb more than 2,000 square feet will be subject to stormwater management requirements.</i></p>

<p>2. <u>Additions, modifications OR TEARDOWN/REPLACEMENTS</u> to existing single-family residential structures <u>ON LOTS OF 20,000 SQ. FT. OR LESS</u> IN THE PLANNED SERVICE AREA FOR <u>BOTH PUBLIC WATER AND SEWER</u> <u>AND</u> that <u>[[do not disturb over 5,000]]</u> <u>DISTURB LESS THAN 2,000</u> square feet of land area. Disturbance is defined as any area in which the natural, or existing, vegetative cover has been removed or altered (except grass to grass) and, therefore, is susceptible to erosion; <u>AND</u></p> <p>3. <u>[[New]]</u> Other <u>TYPES OF</u> Development that <u>[[do not disturb over]]</u> <u>DISTURB LESS THAN 5,000</u> square feet of land area.</p>	<p><i>Planning Board: Make Section 5.12.B.2 consistent with Section 16.155(2) of Subdivision Regs.</i></p>
<p>5.2.4 Design Considerations</p> <p>F. Where a stormwater plan involves concentration or increase of runoff from the site IN EXCESS OF 2.0 CFS FOR THE 1-YEAR STORM EVENT, it shall be the responsibility of the developer TO ANALYZE THE DOWNSTREAM <u>DRAINAGE</u> IMPACTS WITHIN 500 FT OF THE OUTFALL AT THE PROPERTY LINE, <u>AND TO THE MAXIMUM EXTENT PRACTICABLE</u>, TO ENSURE SAFE CONVEYANCE TO AN ADEQUATE <u>DRAINAGE</u> OUTFALL AND to obtain from the adjacent property owners any easements or other necessary property interest concerning the flowage of water. Approval of a stormwater management plan does not create or affect any such responsibilities.</p>	<p><i>Altered run-off patterns are often a significant problem.</i></p> <p><i>Stormwater management may be accomplished by run-off disconnect credits, a swale or other small SWM best practices, depending on the area of disturbance and site conditions.</i></p>
<p>5.2.5 Design Requirements</p> <p>T. Stormwater credits can be utilized on development projects in accordance with the Stormwater Design Manual, Volumes I & II and shall be utilized in each specific drainage area where they are located if multiple drainage areas are used. The following are requirements for specific credits to be used:</p> <p>2. The use of the Disconnection of Rooftop Runoff credit shall be restricted to providing a 75' vegetative filter strip at a maximum slope of 5% for each downspout or in close proximity thereof. The 75' length can be reduced to 60' where the runoff sheet flows to a roadside ditch or swale. The maximum contributing rooftop drainage area shall be limited to 500 sft. per downspout. The property shall be graded to promote sheet flow and meet all criteria established in the State Design Manual.</p> <p>The use of dry wells and rain gardens to reduce or eliminate the 75' sheet flow</p>	<p><i>Plan submission checklists will require information on the drainage context in terms of:</i></p> <ol style="list-style-type: none"> <i>1. drainage patterns for surrounding lots (within 500 feet) and</i> <i>2. how off lot drainage that exceeds 2 cfs. is conveyed to an acceptable storm</i>

<p>requirement shall be limited to no more than two (2) per lot. <u>PLACEMENT OF THESE FACILITIES SHALL NOT IMPEDE THE USABLE YARD 15 FOOT REAR YARD AREA DEFINED IN SECTION 16.120(b)(4)(v) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS.</u></p>	<p><i>drain or stream/open space within 500' offsite.</i></p> <p><i>On lot stormwater management devices must be carefully sited so the owner has a usable lot and will not be tempted to remove or alter them.</i></p>
<p>ROADS AND BRIDGES – Design Manual Volume III</p>	
<p>2.6 Driveways</p> <p>A. General</p> <p>Control of driveway location and design is essential in assuring that a road will be capable of performing its intended role through and even beyond the design year. Driveways must be so located as to minimize impact on traffic flow and still provide access consistent with the road's classification and projected volumes.</p> <p>The control of access shall be in accordance with the functional classification of the road and refined traffic studies.</p> <p>There are three types of driveways: residential, commercial and industrial, and high volume. Residential and use-in-common driveways are those serving single-family houses with no more than <u>FOUR (4) DWELLING UNITS IN A NEIGHBORHOOD INFILL DEVELOPMENT OR</u> six (6) dwelling units <u>IN OTHER RESIDENTIAL DEVELOPMENTS</u>. Commercial and industrial driveways serve primarily employment and shopping areas, and are consequently used by more trucks and larger number of vehicles than residential driveways. High volume driveways are those with anticipated volumes exceeding 200 peak hour vehicles (total volume for both directions for a two-way entrance or the total volume for a one-way entrance).</p> <p>The design of residential and commercial and industrial driveways is discussed herein. High volume driveways shall be designed in accordance with intersection design criteria. High volume driveways must be analyzed in the same manner as roadways. Depending on the movements that the high volume driveway supports (i.e., 1-way or 2-way) the analysis may require an examination of queuing acceleration/deceleration criteria, level of service, signal warrants or all of these factors.</p>	<p><i>For neighborhood infill reduce the maximum number of lots that may share a common driveway from 6 to 4, which corresponds to a maximum of 2 pipestem lots plus 2 frontage lots.</i></p>

B. Residential

The desired width of residential driveways and easements, when required, is as shown in Table 2.10.

TABLE 2.10
REQUIRED MINIMUM DRIVEWAY WIDTHS

Lots Served	Driveway Width (ft)	Corresponding Easement (min) (ft)
1	12	N/A
2 to 6	16	24*

*If a shared residential driveway crosses a 100-year floodplain as defined by Volume 1 of the Howard County Design Manual, then a Public Access Place shall be required.

Residential driveway entrances and tee turnaround details shall be in accordance with the Standard Details, Volume IV.

Use in common driveways serving more than 2 residential lots or over 100 ft. in length shall be terminated in a tee turnaround in accordance with Standard Details, Volume IV.

Driveways serving one residential lot or shared driveways for up to six (6) lots shall consist of a minimum standard of six (6) inches of crusher run base with tar and chip coating. All others refer to the Standard Details, Volume IV.

Drainage elements (e.g. culverts, bridges) shall be provided at all driveways where the waterway discharge meets or exceeds 5 cubic feet per second for a 10-year storm. The drainage element within a 100-year floodplain shall be designed to pass the 100 year storm with no more than 1 foot of water over the driveway.

Planning Board: Concern about access for emergency vehicles. Add requirement for a turnaournd if the shared driveway is 100 feet in length or greater to the Design Manual.

<p>SUBTITLE 11 ADEQUATE PUBLIC FACILITIES</p>	
<p>Section 16.1100</p>	
<p>(b) Residential Projects:</p> <p>(1) Exempt residential plans: The following residential subdivisions and site development plans are exempt from the requirement to pass the test for adequate road facilities and the requirement to pass the tests for allocations and adequate public school facilities as a condition of approval:</p> <ul style="list-style-type: none"> (i) Parcel divisions (see Subdivision Regulations [Subtitle 1 of this Title]). (ii) Subdivisions in agricultural preservation easements for dwellings of the owner or the owner's children or other dwelling lots permitted on agricultural preservation easements. (iii) Residential resubdivisions (see Subdivision Regulations) which do not increase the number of housing units allowed. (iv) Residential final subdivision plans pending on the effective date of this Subtitle, provided that the plan proceeds to recordation in accordance with the Subdivision Regulations. (v) Minor subdivision plans and resubdivisions, located in RC and RR zoning districts outside of the Planned Service Area Boundary for Water and Sewer, which create the potential for only 1 additional dwelling unit from a lot existing on April 10, 1992. (vi) Minor subdivision plans and resubdivisions which create the potential of only one additional dwelling unit to be conveyed to an immediate family member or members from a lot existing on April 10, 1992, provided that the following conditions are met: <ul style="list-style-type: none"> a. The property owner must have owned the property for a minimum of three years before requesting subdivision; and b. The family member must be either a parent, child, or sibling. The term immediate family member does not include step-parents, step-children, or step-siblings; and c. The property owner shall not seek further subdivision of the property or another family member exemption for a period of three years <u>AFTER RECORDATION OF THE FAMILY MEMBER LOT</u>. IF A SUBDIVISION TO CREATE ADDITIONAL LOTS HAS ALREADY BEEN SUBMITTED, IT MUST BE WITHDRAWN FOR THREE YEARS IN ORDER TO BE ELIGIBLE FOR THIS ONE FAMILY LOT EXEMPTION. 	<p><i>Clarification of legislative intent.</i></p>

- d. The granting of this family member exemption shall prohibit the property owner from seeking a hardship exemption.

A maximum of three family member exemptions per year per planning area may be granted by the Department of Planning and Zoning. The Department of Planning and Zoning shall annually prepare a home ownership report on this exemption for the Council.

- (vii) Minor subdivision plans and resubdivisions, which create the potential of only one additional dwelling unit from an adjoining lot existing before April 10, 1992, for property owners with economic hardships. Upon the property owner's written request to the Department of Planning and Zoning the severe economic hardship that the property owner is sustaining and provide the following evidence, which shall be forwarded by the Department to the County Council with a recommendation concerning the exemption:

- a. Verification of ownership of the property to be subdivided for at least three years before the submittal of the economic hardship exemption request; and
- b. A recent financial statement that shows the property owner's complete assets and liabilities supported by an Affidavit of the property owner; and
- c. Other information regarding the severe economic hardship that the property owner is sustaining, including but not limited to information from lenders, lien holders, creditors, attorneys, tax collectors or other third parties who have acknowledge as to the economic condition of the property owner; and
- d. Any notice of foreclosure on the property; and
- e. Any medical bills that are not covered by health insurance for a medical condition/treatment of the property owner or immediate family member of the property owner. For purposes of this section, the immediate family member shall be either a spouse, parent, child or sibling but shall not include step-parents, step-children or step-siblings; and
- f. Any other evidence that the property owner has no other reasonable means of relieving that economic hardship.

The granting of this hardship exemption shall prohibit the property owner from seeking a family member exemption.

SUBTITLE 12 FOREST CONSERVATION	
Section 16.1205.Forest Retention Priorities.	
<p>(a) <i>On-site Forest Retention:</i> The following vegetation and specific areas are considered priority for on-site retention and protection in the county. Subdivision, site development, and grading shall leave this vegetation and these specific areas in an undisturbed condition unless demonstrated, to the satisfaction of the Department, that reasonable efforts have been made to protect them and the plan cannot be reasonably altered or that forest planting in an alternate location would have greater environmental benefit:</p> <p>(6) Property line and right-of-way buffers[[,]] WITH A MINIMUM WIDTH OF 50 FEET [[particularly adjacent to scenic roads]];</p>	<p><i>Increase the minimum width of forest retention buffers to preserve character of scenic roads and existing neighborhoods.</i></p> <p><i>Planning Board: Agree with increase to 50 feet.</i></p>
Section 16.1208 Reforestation and Afforestation Location Priorities and Preferred Methods.	
<p>(a) <i>Location Priorities:</i> The Following are priority locations for reforestation and afforestation. The Department may approve lower priority locations on this list when such locations better achieve the intent of this Subtitle or county land use regulations. If on-site planting would have greater environmental benefit, the Department may approve off-site reforestation or afforestation in high-priority locations within Howard County, preferable within the same subbasin or watershed:</p> <p>(1) Establish or enhance forest in 100-year floodplains and buffers to intermittent and perennial streams as defined in Sections 16.108(23) and (53) and 16.116(a) of the Subdivision Regulations;</p> <p>(2) Establish or enhance forest in wetlands and 25-foot wetland buffers as defined in Sections 16.108(60) and 16.116(c)(6) of the Subdivision Regulations;</p> <p>(3) Establish or enhance critical habitat buffers and forest corridors for wildlife movement, the corridors, where practical, being a minimum of 300 feet in width;</p> <p>(4) Establish plantings to stabilize slopes of 25% or greater and slopes of 15% or greater with a soil K value greater than 0.35;</p> <p>(5) Establish forest areas adjacent to existing forests to increase the overall area of</p>	

<p>(6) contiguous forest cover; Establish buffers WITH A MINIMUM WIDTH OF 50 FEET along property lines between differing land uses when appropriate, or adjacent to highways or utility rights-of-way[[, particularly adjacent to scenic roads]]; and</p>	<p><i>Only give priority to forest buffers that are wide enough to be meaningful as forest.</i></p>
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ZONING REGULATIONS	
Section 108: R-20 (Residential: Single) District	
<p>D. Bulk Regulations (Also see Section 128.A, Supplementary Bulk Regulations.)</p> <p>1. The following maximum height limitations shall apply:</p> <p style="padding-left: 40px;">a. Principal structure 34 feet</p> <p style="padding-left: 40px;">b. Accessory structure 15 feet</p> <p>2. Minimum lot size (except IF LOTS ARE CLUSTERED <u>USING</u> <u>OPTIONAL LOT SIZES WITH MANDATORY OPEN SPACE</u> as provided in Section 108.E of these regulations <u>AND SECTION</u> <u>16.121(A) OF THE SUBDIVISION AND LAND DEVELOPMENT</u> <u>REGULATIONS</u>) 20,000 sq. ft.</p> <p>F. SPECIAL REQUIREMENTS FOR NEIGHBORHOOD INFILL SUBDIVISIONS OR RESUBDIVISIONS:</p> <p>1. DENSITY 2 DWELLING UNITS PER NET ACRE</p> <p>2. MINIMUM LOT SIZE 20,000 SQUARE FEET</p> <p>[[F.]]G. Conditional Uses</p> <p>The following are conditional uses in the R-20 district, subject to the detailed requirements for conditional uses given in Section 131. If there is a conflict between this section and Section 131, Section 131 shall prevail.</p> <p>1. Age-restricted Adult Housing</p> <p>2. Athletic Facilities, Outdoor</p> <p>3. Beauty Parlor/Barber shop</p> <p>4. Bed and Breakfast Inns</p> <p>5. Cemeteries and Mausoleums</p> <p>6. Charitable and Philanthropic Institutions</p> <p>7. Communication Towers or Antennas (Commercial)</p> <p>8. Country Clubs and Golf Courses</p>	<p><i>Add cross-reference to the Subdivision requirements which specify lot size and open space requirements for clusterings..</i></p> <p><i>Require small neighborhood infill developments to use net density as is required in most of the other residential districts, Net density limits development on parcels with environmental constraints.</i></p> <p><i>Revise subsection reference.</i></p>

<ol style="list-style-type: none"> 9. Country Inns 10. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities 11. Farm Tenant House 12. Funeral Homes and Mortuaries 13. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls. 14. Home Occupations 15. Kennels and Pet Grooming Establishments 16. Museums and Libraries 17. Nonprofit Clubs, Lodges, Community Halls and Camps 18. Nursing Homes and Residential Care Facilities 19. Religious Activities, Structures Used Primarily for 20. Retreat Center 21. School Buses (Parking and Storage) 22. Schools, Colleges, Universities – Private (Academic) 23. Two-Family Dwellings, Accessory Apartments and Age-Restricted Multi-Plex Dwellings 24. Utility Uses, Public 	
Section 109: R-12 (Residential: Single) District	
<p>D. Bulk Regulations (Also see Section 128.A Supplementary Bulk Regulations)</p> <ol style="list-style-type: none"> 1. The following maximum height limitations shall apply: <ol style="list-style-type: none"> a. Principal structure 34 feet b. Accessory structure 15 feet 2. Minimum lot size (except IF LOTS ARE CLUSTERED <u>USING</u> <u>OPTIONAL LOT SIZES</u> provided in Section 109.E of these regulations <u>AND SECTION 16.121(A) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS</u>) 12,000 sq. ft. 	<p><i>Clarification for consistency between the Zoning Regulations and the Subdivision Regulations</i></p>
<p>F. RESIDENTIAL <u>SPECIAL REQUIREMENTS FOR NEIGHBORHOOD INFILL SUBDIVISIONS OR RESUBDIVISIONS:</u></p> <ol style="list-style-type: none"> 1. DENSITY 3 DWELLING UNITS PER NET ACRE 2. MINIMUM LOT SIZE 12,000 SQ. FT. 	<p><i>Require small neighborhood infill developments to use net density as is required in most of the other residential districts. Net density limits development on parcels</i></p>

<p>[[F.]]G. Other Provisions</p> <p>A zero lot line dwelling unit may be located on the property line provided that no part of the building shall protrude onto the adjoining lot, and provided that at the time of recordation of the Final Subdivision Plan, easements shall be recorded to permit access to the adjoining lot for purposes of maintenance to the side of any zero lot line dwelling which faces a side yard of less than seven and one-half feet. Further, a maintenance agreement shall be included in the deed where appropriate.</p> <p>[[G.]]H. Conditional Uses</p> <p>The following are conditional uses in the R-12 District, subject to the detailed requirement for conditional uses given in Section 131. If there is a conflict between this Section and Section 131, Section 131 shall prevail.</p> <ol style="list-style-type: none"> 1. Age-restricted Adult Housing 2. Athletic Facilities, Outdoor 3. Bed and Breakfast Inns 4. Cemeteries and Mausoleums 5. Charitable and Philanthropic Institutions 6. Communication Towers or Antennas (Commercial) 7. Country Clubs and Golf Courses 8. Country Inns 9. Child Day Care Centers and Nursery Schools, Day Treatment and Care Facilities 10. Historic Building Uses: Apartments, Business and Professional Offices and Community Meeting Halls. 11. Home Occupations 12. Non-Profit Clubs, Lodges, Community Halls and Camps 13. Nursing Homes and Residential Care Facilities 14. Religious Activities, Structures Used Primarily for 15. School Buses (Parking and Storage) 16. Schools, Colleges, Universities – Private (Academic) 17. Two-Family Dwellings, Accessory Apartments, and Age-Restricted Multi-Plex Dwellings 18. Utility Uses, Public 	<p><i>with environmental constraints</i></p> <p><i>Revise subsection references.</i></p>
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